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**From:** mamanley@hotmail.com  
**Sent:** Wednesday, April 25, 2001 10:36 AM  
**To:** scpcomments@uspto.gov  
**Subject:** Issues for public comment

As a patent agent and small business advocate I would like to express my concern about any change in the USPTO "First to invent" process. I work with about 100 individual inventors and small businesses each year. Many of my clients come to me with very little knowledge of the market into which their product will fit, but they wish to file a patent (At substantial cost) to protect the idea.

The combination of the "First to invent" law and the Disclosure Document program gives individuals and small businesses time to evaluate what they are getting into before they file a patent. I encourage many of my clients to carefully evaluate their own situation, the markets and the financing prior to actually spending the money to file a patent. The "First to Invent" law gives my clients the confidence that they will not immediately lose their idea if they take a market approach.

Going to a "first to file" system like the rest of the world will hurt individual inventors and small businesses. Our Center recently conducted research based on PTO data on the payment of maintenance fees. We found that only about 18% of individual and small business inventors pay the 11 year maintenance fee. What this means is that 82% of the individuals and small businesses who actually get a patent feel that it was a mistake to have gotten the patent 11 years later. The "First to File" system will make the situation much worse because it will rush individuals and small businesses into a bad decision. "First to File" will choke the PTO with more unpatentable applications at a time when the quality of patent examination is already under question due to the work load and the difficulty in hiring and retaining patent examiners.

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